

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELBERT LOMACK,

Petitioner,

Civil No. 05-1349-HA

v.

ORDER

CHARLES DANIELS, Warden,
FCI, Sheridan,

Respondent.

HAGGERTY, Chief Judge:

On August 25, 2005 petitioner filed *pro se* a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner claimed the Bureau of Prisons (BOP) was refusing to find him eligible for a potential one-year reduction in his sentence as authorized by 18 U.S.C. § 3621(e). Subsequently, BOP officials have determined petitioner is eligible for the one-year reduction in

his sentence if he successfully completes all three phases of the drug and alcohol program.

On October 19, 2005 Respondent filed a Motion to Dismiss, requesting the Petition be dismissed as moot since the relief sought has been granted. Petitioner did not file any opposition to the Motion to Dismiss.

In light of the relief granted to petitioner and the lack of opposition to the motion, Respondent's motion is granted.

CONCLUSION

Respondent's Motion to Dismiss (Doc. #11) is GRANTED. Petitioner's Petition for a Writ of Habeas Corpus (Doc. #1) is dismissed as moot.

IT IS SO ORDERED.

Dated this __9__ day of November, 2005.

/s/ Ancer L.Haggerty
ANCER L. HAGGERTY
United States District Judge